18 *May* 1827.

(Ireland.)

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B I L L

To provide for the Payment of a Salary, in lieu of Fees, to the Judge of the Prerogative Court and Court of Faculties in *Ireland*.

WHEREAS the Offices of Judge or Commissary of His Majesty's Court of Prerogative for Causes Ecclesiastical, and Commissary of His Majesty's Court of Faculties, in and throughout the whole of that part of the United Kingdom called *Ireland*, are Judicial Offices, and have always hitherto been held and enjoyed by one and the same person:

Offices of Commissary of the Prerogative and Faculty Courts, held by one Person.

AND whereas it is expedient that provision should be made for the payment of a certain annual Salary to the Judge or Person holding or who shall hold the said offices jointly, and that such Salary should be in lieu of all fees and emoluments whatsoever receivable by such Judge or Person, and that all such Fees should be applied to the public use; BE it therefore Enacted by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the office of Judge or Commissary of His Majesty's Court of Prerogative for Causes Ecclesiastical, and the office of Commissary of His Majesty's Court of Faculties, in and throughout that part of the United Kingdom called *Ireland*, both which offices are held and enjoyed by the present Judge or Commissary thereof, shall from thenceforth for ever continue to be jointly held and enjoyed by one and the same person, and shall from time to time for ever be granted and held as one office, and that the person holding such office shall be styled the Judge or Commissary of His Majesty's Court of Prerogative for

Expedient to provide Salary in lieu of Fees.

The Offices shall be considered as one.

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Fees shall not be received for the use of the Judge,

Causes Ecclesiastical and Court of Faculties in and throughout *Ireland*; and that no Fees or pecuniary profits whatever, other than and except the Salary permitted by this Act, shall from and after the be received by, or shall be payable to or to the use of the person holding or who shall hold the said office, in respect of the execution of the said office, any Act or Acts of Parliament, or any law usage or custom to the contrary in anywise notwithstanding; and that from and after the said all fees and pecuniary profits heretofore payable to the use of the holder of the office or offices aforesaid, shall be collected and applied to the Public Service, in manner hereinafter mentioned and directed.

but shall be applied to the Public Service.

Salary payable to the said Judge or Commissary, out of the Consolidated Fund, £. per Annum,

And be it further Enacted, That from and after the there shall be issued and paid and payable to the Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties aforesaid for the time being, out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, after paying and reserving sufficient to pay all such sum and sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the said Consolidated Fund, but with preference to all other payments which shall or may be hereafter charged upon or payable out of the said Fund, the annual sum of and the said sum of Money to be issued in pursuance of this Act shall from time to time thenceforth be payable and paid quarterly, free and clear of all taxes and deductions whatsoever, on in every year, the first payment thereof to be made on the day of

by Quarterly Payments, the first on 10th October 1827.

Proportion of the Quarter's Salary, payable on Resignation or Death, and on new Appointment.

Provided always, and be it further Enacted, That whenever any person holding the office of Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties aforesaid shall during the course of any quarter resign his said office, or shall die, then the person so resigning the said office, or the executors or administrators of such person so dying (as the case may be) shall be entitled to such proportionable part of the said salary as shall have accrued during such part of the said quarter as such person shall have executed such office as aforesaid; and every Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties to be appointed at any time after the said shall on the quarter day next after his appointment be entitled to have and receive, out of the said Consolidated Fund, such proportion of the said salary as shall have arisen from the date of his appointment.

And

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And be it further Enacted, That from and after the the Judge or Commissary of His Majesty's said Court of Prerogative and Court of Faculties shall not practise or be capable of practising as a Barrister or Advocate in any court or place, or in conveyancing or giving opinions, or in any other manner whatsoever.

After 5th July 1827, Judge of the said Courts shall not practise as a Barrister or Advocate.

And be it further Enacted, That the respective Registrars or Deputy Registrars of His Majesty's Court of Prerogative and Court of Faculties in and throughout *Ireland*, shall from and after the said receive and collect all the Fees belonging to the said office of Judge or Commissary of the Court of Prerogative and Court of Faculties respectively, and shall, within days after in each and every year, deliver into the Office of His Majesty's Commissioners for auditing the Public Accounts in *Ireland* for the time being, an Account, signed by such Registrars or Deputy Registrars respectively, of all Fees received by such Registrars or Deputy Registrars respectively, by virtue of this Act, for the quarter ending on such respectively, vouched and verified by an affidavit on the foot thereof by such Registrar or Deputy Registrar, to be sworn before any Master in Chancery, who is hereby authorized and required to administer the oath for that purpose; and in case of the death of any such Registrar or Deputy Registrar respectively, then their executors or administrators shall, within after their deaths, respectively, deliver in like manner to the said Commissioners for auditing the Public Accounts, an Account, signed by such executors or administrators respectively, of all Fees received by such Registrars or Deputy Registrars, from the latest day which he or they shall have so accounted, to his or their death, which Account shall be verified in like manner by such executors or administrators, or some or one such executor or administrator; and it shall be lawful for the said Commissioners for auditing the Public Accounts, or the major part of them, and they are hereby authorized and required to inquire into and to audit and settle with all convenient speed every such Account so delivered in, and to verify, under their hands, the balance doe thereon; and every such Registrar or Deputy Registrar, or his executors or administrators, having assets, shall, within days after each such Account respectively shall be so audited and certified, pay into the receipt of His Majesty's Exchequer in *Ireland*, according to the course of the said Exchequer, all such sum and sums of Money as shall be so certified as the balance in his or their hands, which payment shall thereupon be carried to and made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Registrars shall make out Account of quarterly Amount of Fees on Oath, and deliver the same to Auditors of Public Accounts, and pay the Amount into the Exchequer, to be carried to the Consolidated Fund.

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Penalty on not accounting for or paying Fees £. per cent. on the Amount.

And be it further Enacted, That in case any such Registrars or Deputy Registrar of His Majesty's Court of Prerogative and Court of Faculties in *Ireland* as aforesaid, or his executors or administrators, shall at any time or times neglect or make default in delivering in such Account as hereinbefore directed to the said Commissioners for auditing the Public Accounts, within the periods aforesaid respectively specified for that purpose, or in paying into the said Exchequer such Balance as aforesaid, for the said space of after such auditing, then and in every such case such Registrar or Deputy Registrar, or such executors or administrators, having assets sufficient to make such payment, shall pay into the said Exchequer, together with such balance, interest for the same, at the rate of per centum, from the expiration of the said period of days, until paid in as aforesaid.

Acquittance from the Exchequer shall be produced to the Commissioners for auditing the Public Accounts.

AND to the end that the payment of such Balance may be ascertained, BE it further Enacted, That upon payment of such Balance, an acquittance or discharge for the same shall be signed by the proper officer in the Exchequer, which shall be produced and exhibited by the said respective Registrars or Deputy Registrars to the said Commissioners for auditing the Public Accounts within month from the date thereof, or at the time of the presenting the ensuing Quarter's Account, whichever shall first happen, or by the executors or administrators of any such Registrar or Deputy Registrar within months from the date thereof; and the said Commissioners for auditing the Public Accounts are hereby required to demand such acquittance or discharge, and to have the same produced to them, before they shall audit and certify any subsequent account for any such Registrar or Deputy Registrar in manner hereinfore directed.

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7-8 Geo. IV.—Sess. 1826-7.

(Ireland.)

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B I L L

To provide for the Payment of a Salary, in lieu of Fees, to the Judge of the Prerogative Court and Court of Faculties in *Ireland*.

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1827.

368.

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